

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1353
OFFERED BY MS. SCHRIER OF WASHINGTON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Advanced, Local Emer-
3 gency Response Telecommunications Parity Act” or the
4 “ALERT Parity Act”.

5 SEC. 2. EMERGENCY CONNECTIVITY SERVICE.

6 (a) RULEMAKING REQUIRED.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the date of the enactment of this Act, the
9 Commission shall issue rules for the provision of
10 emergency connectivity service under which—

11 (A) a person may submit to the Commis-
12 sion an application for approval to provide such
13 service to an area—

14 (i) that is an unserved area with re-
15 spect to either or both services described in
16 subsection (i)(5)(B); or

17 (ii) in the event that such area be-
18 comes an unserved area with respect to ei-

1 ther or both such services due to destruc-
2 tion of infrastructure, a power outage, or
3 any other reason; and

4 (B) for any period during which such ap-
5 proval is in effect and such area is an unserved
6 area, such person will receive access to electro-
7 magnetic spectrum in accordance with sub-
8 section (d) to provide emergency connectivity
9 service to such area.

10 (2) PROVIDER NOT LICENSEE.—The Commis-
11 sion shall include in the rules issued under para-
12 graph (1) language to ensure that approval of an ap-
13 plication to provide emergency connectivity service
14 under such rules does not render the provider of
15 such service a licensee (as such term is defined in
16 section 3 of the Communications Act of 1934 (47
17 U.S.C. 153)).

18 (3) DEADLINE TO INITIATE RULEMAKING.—
19 The Commission shall initiate a rulemaking to issue
20 the rules required by paragraph (1) not later than
21 180 days after the date of the enactment of this Act.

22 (b) DEMONSTRATIONS.—In the rules issued under
23 subsection (a), the Commission shall require a person who
24 submits an application to provide emergency connectivity
25 service under such rules, in order for such application to

1 be approved, to demonstrate to the Commission the fol-
2 lowing:

3 (1) Such person has a technical proposal de-
4 scribing how such person plans to provide such serv-
5 ice and how the proposal complies with technical re-
6 quirements included in such rules under subsection
7 (d)(2).

8 (2) Such person will not use any electro-
9 magnetic spectrum to which access is made available
10 under such rules to provide any service other than
11 emergency connectivity service, unless the other
12 service is provided under a separate authorization to
13 use such spectrum held by such person.

14 (3) Such service proposed can withstand the
15 impact of major natural disasters, such as earth-
16 quakes, hurricanes, wildfires, floods, blizzards, and
17 tornados.

18 (4) Such person has the capability to begin pro-
19 viding such service in a rapid manner—

20 (A) in the case of an application to provide
21 such service to an area that is an unserved area
22 at the time at which the application is sub-
23 mitted, after the approval of the application; or

24 (B) in the case of an application to provide
25 such service to an area in the event that such

1 area becomes an unserved area due to destruc-
2 tion of infrastructure, a power outage, or any
3 other reason, after such area becomes an
4 unserved area.

5 (c) PUBLICATION OF LIST OF PROVIDERS.—The
6 Commission shall publish on the internet website of the
7 Commission a list of all providers of emergency
8 connectivity service for which an approval is in effect to
9 provide such service under the rules issued under sub-
10 section (a).

11 (d) ACCESS TO ELECTROMAGNETIC SPECTRUM.—
12 The Commission shall include in the rules issued under
13 subsection (a) the following:

14 (1) In the case of a provider of emergency
15 connectivity service that is approved to provide such
16 service to an area under such rules and that seeks
17 access to spectrum that another entity is authorized
18 to use, access to such spectrum shall be made avail-
19 able to such provider only if such provider receives
20 voluntary express written consent for such access
21 from such entity. An entity that receives a request
22 for consent under this paragraph shall reasonably
23 engage with the provider submitting the request and
24 make a determination with respect to such request
25 in a timely manner.

1 (2) With respect to providers of emergency
2 connectivity service that are approved to provide
3 such service to an area under such rules, technical
4 requirements applicable to such providers that en-
5 sure that the use of electromagnetic spectrum under
6 a relevant approval does not cause harmful inter-
7 ference to the use of spectrum by another entity au-
8 thorized to provide a service to such area or an adja-
9 cent geographic area.

10 (e) AREAS UNSERVED WITH RESPECT TO BOTH
11 SERVICES.—In the case of an area that is an unserved
12 area with respect to both services described in subsection
13 (i)(5)(B), the rules issued under subsection (a) shall re-
14 quire that, if a provider approved to provide emergency
15 connectivity service to such area under such rules chooses
16 to provide emergency connectivity service to such area,
17 such provider shall provide both services described in sub-
18 section (i)(5)(B) to such area.

19 (f) LIMITATION OF LIABILITY.—

20 (1) TRANSMISSION OF ALERT MESSAGES.—Sec-
21 tion 602(e)(1) of the Warning, Alert, and Response
22 Network Act (47 U.S.C. 1201(e)(1)) shall apply to
23 a provider of emergency connectivity service (includ-
24 ing its officers, directors, employees, vendors, and
25 agents) with respect to the provision of such service

1 (to the extent such service consists of the provision
2 of the service described in subsection (i)(5)(B)(i) of
3 this section) in accordance with the rules issued
4 under subsection (a) of this section, as if such pro-
5 vider were a provider of commercial mobile service
6 that transmits emergency alerts and meets its obli-
7 gations under such Act.

8 (2) PROVISION OF 9-1-1 SERVICE.—

9 (A) IN GENERAL.—Section 4 of the Wire-
10 less Communications and Public Safety Act of
11 1999 (47 U.S.C. 615a) is amended—

12 (i) in subsection (a)—

13 (I) by inserting “emergency
14 connectivity service provider,” after
15 “IP-enabled voice service provider,”;
16 and

17 (II) by inserting “emergency
18 connectivity service,” after “emer-
19 gency services,”;

20 (ii) in subsection (b)—

21 (I) by striking “IP-enabled voice
22 service or” and inserting “IP-enabled
23 voice service, emergency connectivity
24 service, or”; and

1 (II) by inserting “emergency
2 connectivity service,” after “IP-en-
3 abled voice service,”; and

4 (iii) in subsection (c), by inserting
5 “emergency connectivity service,” after
6 “IP-enabled voice service,” each place it
7 appears.

8 (B) DEFINITIONS.—Section 7 of the Wire-
9 less Communications and Public Safety Act of
10 1999 (47 U.S.C. 615b) is amended by adding
11 at the end the following:

12 “(11) EMERGENCY CONNECTIVITY SERVICE.—
13 The term ‘emergency connectivity service’ has the
14 meaning given such term in paragraph (5) of section
15 2(i) of the Advanced, Local Emergency Response
16 Telecommunications Parity Act, to the extent such
17 service consists of the provision of the service de-
18 scribed in subparagraph (B)(ii) of such paragraph.

19 “(12) EMERGENCY CONNECTIVITY SERVICE
20 PROVIDER.—The term ‘emergency connectivity serv-
21 ice provider’ means a person who provides emer-
22 gency connectivity service in accordance with the
23 rules issued under section 2(a) of the Advanced,
24 Local Emergency Response Telecommunications
25 Parity Act.”.

1 (g) REPORT TO CONGRESS.—Not later than 1 year
2 after the date on which the Commission issues rules under
3 subsection (a), and annually thereafter, the Commission
4 shall submit to the Committee on Energy and Commerce
5 of the House of Representatives and the Committee on
6 Commerce, Science, and Transportation of the Senate a
7 report regarding the provision of emergency connectivity
8 service under such rules, which shall include a description
9 of—

10 (1) each instance during the preceding year
11 that emergency connectivity service was provided
12 under such rules; and

13 (2) each instance during the preceding year
14 that an entity authorized to use spectrum declined
15 to provide, to a provider of emergency connectivity
16 service, the consent described in subsection (d)(1).

17 (h) RULES OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to—

19 (1) provide the Commission with new authority
20 to regulate the terms, conditions, or rates applicable
21 to an agreement between 2 or more parties to facili-
22 tate the provision of emergency connectivity service;

23 (2) preclude the Commission, before it issues
24 rules under subsection (a), from permitting the use

1 of electromagnetic spectrum by a person that other-
2 wise meets the requirements of this section; or

3 (3) preclude the Commission from approving an
4 application to provide emergency connectivity service
5 under the rules issued under subsection (a) that pro-
6 poses using spectrum in a manner that is incon-
7 sistent with the Table of Frequency Allocations.

8 (i) DEFINITIONS.—In this section:

9 (1) ALERT MESSAGE.—The term “alert mes-
10 sage” has the meaning given such term in section
11 10.10 of title 47, Code of Federal Regulations (or
12 any successor regulation).

13 (2) COMMERCIAL MOBILE SERVICE.—The term
14 “commercial mobile service” has the meaning given
15 such term in section 332(d) of the Communications
16 Act of 1934 (47 U.S.C. 332(d)).

17 (3) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (4) COVERED DEVICE.—The term “covered de-
20 vice” means—

21 (A) a mobile device; or

22 (B) any other device that is capable of—

23 (i) receiving alert messages; and

1 (ii) providing emergency information
2 to a public safety answering point (which
3 may include enhanced 9–1–1 service).

4 (5) EMERGENCY CONNECTIVITY SERVICE.—

5 (A) IN GENERAL.—The term “emergency
6 connectivity service” means a service—

7 (i) to which covered devices are capa-
8 ble of connecting—

9 (I) without any technical capa-
10 bility specific to such service; and

11 (II) regardless of whether com-
12 mercial mobile service or any other
13 service is initialized on the device; and

14 (ii) that consists only of the provision
15 of a service described in subparagraph (B)
16 to an area that is an unserved area with
17 respect to such service.

18 (B) SERVICES DESCRIBED.—The services
19 described in this subparagraph are the fol-
20 lowing:

21 (i) Transmitting alert messages to
22 covered devices.

23 (ii) Providing emergency information
24 from a covered device to a public safety

1 answering point (which may include en-
2 hanced 9–1–1 service).

3 (6) ENHANCED 9–1–1 SERVICE.—The term “en-
4 hanced 9–1–1 service” has the meaning given such
5 term in section 7 of the Wireless Communications
6 and Public Safety Act of 1999 (47 U.S.C. 615b).

7 (7) MOBILE DEVICE.—The term “mobile de-
8 vice” has the meaning given such term in section
9 10.10 of title 47, Code of Federal Regulations (or
10 any successor regulation).

11 (8) PUBLIC SAFETY ANSWERING POINT.—The
12 term “public safety answering point” has the mean-
13 ing given such term in section 7 of the Wireless
14 Communications and Public Safety Act of 1999 (47
15 U.S.C. 615b).

16 (9) TABLE OF FREQUENCY ALLOCATIONS.—The
17 term “table of frequency allocations” means the
18 United States table of frequency allocations con-
19 tained in section 2.106 of title 47, Code of Federal
20 Regulations (or any successor regulation).

21 (10) UNSERVED AREA.—The term “unserved
22 area” means, with respect to a service described in
23 paragraph (5)(B), an area that, due to lack of infra-
24 structure, destruction of infrastructure, a power out-
25 age, or any other reason, has no provider of com-

- 1 mercial mobile service that is capable of providing
- 2 such service.

